

REMARKS

This Application has been carefully reviewed in light of the Office Action dated October 14, 2011 (the "Office Action"). In order to advance prosecution of this case, Applicants amend Claims 1, 6-7, 20, 26, 28-33, 35-38, and 40. Applicants cancel Claims 16-19 and 27 without prejudice or disclaimer. Applicants previously canceled Claims 2, 8, 17, 34, and 39 without prejudice or disclaimer. At the time of the Office Action, Claims 1, 3-7, 9-16, 18-33, 35-38 and 40 were pending and rejected. Applicants respectfully request reconsideration and favorable action in this case.

Section 103 Rejections

Claims 1, 3, and 26-28 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,891,825 issued to O'Dell et al. ("*O'Dell*") in view of U.S. Patent No. 5,956,681 issued to Yamakita ("*Yamakita*"). Claims 4 and 29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *O'Dell* in view of *Yamakita* and U.S. Patent No. 6,353,619 issued to Banas et al. ("*Banas*"). Claims 5 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *O'Dell*, in view of *Yamakita* in view of U.S. Patent No. 6,678,474 issued to Masuda et al. ("*Masuda*").¹ Applicants respectfully traverse these rejections.

Applicants respectfully submit that the cited art references, alone or in combination, fail to disclose, teach, or suggest each and every limitation of the Applicants' claims. For example, the cited art references fail to disclose "segmenting at each CPE port the IP packets in the ingress traffic streams into asynchronous transport mode (ATM) adaption layer (AAL) cells **having a fixed ATM address associated with the CPE port,**" as recited in Claim 1. The Examiner does not make any assertion to the contrary. For at least this reason, the cited art references, alone or in combination, fail to disclose each and every limitation recited in Applicants' Claim 1. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 1 and its dependent claims.

Independent Claims 20 and 26 recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 1, the cited references, alone

¹ Applicants note that the Examiner has not addressed Claims 6, 7, 9-15, 18-19, 30-33, 35-38, and 40 with respect to the prior art rejections in the *Office Action*. Applicants reserve the right to respond to any new prior art rejections with respect to the above-identified claims in a subsequent response.

or in combination, do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 20 and 26 together with their dependent claims.

Claim 16 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *O'Dell* in view of U.S. Patent No. 5,835,710 issued to Nagami et al. ("*Nagami*"). While Applicants do not acquiesce to the Examiner's rejection, Applicants have canceled Claim 16 to advance prosecution of the Application, which renders the Examiner's rejection moot.

Claims 20-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,504,844 issued to Keller-Tuberg ("*Keller-Tuberg*") in view of *O'Dell*. Applicants respectfully traverse this rejection.

Applicants respectfully submit that the combination of *Keller-Tuberg* with *O'Dell* fails to disclose, teach, or suggest each and every limitation of the Applicants' claims. For example, the combination fails to disclose "segmenting the ingress IP packets at a CPE interface of an access network into ingress asynchronous transport mode (ATM) adaption layer (AAL) cells **having a fixed ATM address associated with the CPE port,**" as recited in Claim 20. Instead, *Keller-Tuberg* discloses that the packets "are converted into ATM format using AAL5 encapsulation and ATM VP/VC **addresses.**" Col. 5, ll. 38-39. Using ATM VP/VC addresses to convert packets into ATM format does not disclose "segmenting the ingress IP packets . . . into ingress asynchronous transport mode (ATM) adaption layer (AAL) cells **having a fixed ATM address associated with the CPE port,**" as recited in Claim 20. *O'Dell* does not correct the deficiencies of *Keller-Tuberg*, and the Examiner does not make any assertions to the contrary. For at least this reason, the combination of *Keller-Tuberg* with *O'Dell* fails to disclose each and every limitation recited in Applicants' Claim 20. Accordingly, Applicants respectfully request reconsideration and allowance of Claim 20 and its dependent claims.

Independent Claims 1 and 26 recite certain limitations that, for reasons substantially similar to those discussed with reference to independent Claim 20, the combination of *Keller-Tuberg* with *O'Dell* fails to disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 1 and 26 together with their dependent claims.

Section 112 Rejections

Claims 1, 3-7, 9-16, 18-33, 35-38 and 40 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. *Office Action* at 8. Applicants have canceled Claims 16, 18-19, and 27, which renders the Examiner's rejection with respect to these claims moot. While Applicants do not acquiesce to the Examiner's rejection, Applicants have amended Claims 1, 20, and 26 to advance prosecution of the Application. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1, 3-7, 9-15, 20-26, 28-33, 35-38 and 40.

Claims 16-25 were rejected under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. *Office Action* at 9.² While Applicants do not acquiesce to the Examiner's rejection, Applicants have canceled Claims 16-19 to advance prosecution of the Application, which renders the Examiner's rejection moot. With respect to Claims 20-25, while Applicants do not necessarily acquiesce to the Examiner's rejection, Applicants have amended Claim 20 to advance prosecution of the Application. With respect to Claim 26, while Applicants do not necessarily acquiesce to the Examiner's rejection, Applicants have amended Claim 26 to advance prosecution of the Application. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 20-26.

Section 101 Rejections

The Examiner rejected Claims 26-33 and 36-38 under 35 U.S.C. § 101 as allegedly being directed to non-statutory subject matter. *Office Action* at 10. While Applicants do not necessarily acquiesce to the Examiner's rejection, Applicants have amended Claims 26-33 and 36-38 to advance prosecution of the Application. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 26-33 and 36-38.

² The Examiner's rejection on page 9 of the Office Action only refers to Claims 16-25 as being rejected under 35 U.S.C. § 112, second paragraph, but there is a discussion of Claim 26 under the same section. While it is not clear whether the Examiner intended to reject Claim 26 under 35 U.S.C. § 112, second paragraph, Applicants respond to this rejection to advance prosecution of the Application.

Objection to the Specification

The Examiner objects to the disclosure due to informalities. *Office Action* at 10. While Applicants do not necessarily acquiesce to the Examiner's objection, Applicants have amended Claims 20 and 26 and have canceled Claim 16 to advance prosecution of the Application. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 20 and 26 along with their dependent claims.

Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. § 1.83(a). *Office Action* at 11. While Applicants do not necessarily acquiesce to the Examiner's objection, Applicants have amended Claims 1, 20, and 26 and have canceled Claim 16 to advance prosecution of the Application. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 1, 20, and 26 along with their dependent claims.

Claim Objections

The Examiner objects to Claims 26-33 and 35-38 due to informalities. *Office Action* at 12. While Applicants do not necessarily acquiesce to the Examiner's rejection, Applicants have amended Claims 26-33 and 36-38 to advance prosecution of the Application. Accordingly, Applicants respectfully request reconsideration and allowance of Claims 26-33 and 36-38.

No Waiver

All of Applicants' arguments are without prejudice or disclaimer. Applicants reserve the right to discuss the distinctions between the cited references and the claims in a later response or on appeal, if appropriate. By not responding to additional statements made by the Examiner, Applicants do not acquiesce to the Examiner's additional statements. The exemplary arguments offered by Applicants are sufficient to overcome the rejections.

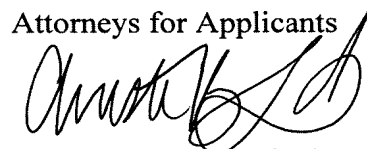
CONCLUSION

Applicants have made an earnest attempt to place this case in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicants respectfully request full allowance of all pending Claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of this Application in any manner, the undersigned attorney for Applicants stands ready to conduct such a conference at the convenience of the Examiner.

No fees are believed to be due, however, the Commissioner is authorized to charge any required fees or to credit the Deposit Account No. 02-0384 of Baker Botts, L.L.P.

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Christa Brown-Sanford
Reg. No. 58,503

2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980
(214) 953-6824

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CORRESPONDENCE ADDRESS:

Customer Number:

05073